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STORM & HEMINGWAY, L.L.P.
8117 PRESTON ROAD
SUITE 460
DALLAS TX 75225

In re Application of
Ted A. Barnes
Application No. 10/727,697
Filed: January 28, 2002

)
) **COMMUNICATION RE**
) **PROTEST**
)

A protest directed to the above-identified application was filed on filed September 10, 2004. It appears from PTO records that this application was published on June 10, 2004.

The protest was filed after publication of the application. For at least that reason, it is not being entered in the application file. See 37 CFR 1.291(a)(1). The protest does indicate service on applicant. Therefore, the protest has simply been discarded. See MPEP § 1901.06 subsection entitled "Protest Filed After Allowance Or The Publication Of The Application."

The protest could not be considered under 37 CFR 1.99 as a third-party submission in a published application, at least for the reason that the fee required under 37 CFR 1.99(b)(1) was not submitted.

Stephen Marcus
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